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Larry M. Weil, Planning Director
Steven Zimmer, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
December 10, 2012 at 7:00 P.M.
West Fargo City Hall

Members Present: Tom Kiewel
Edward Sheeley
Connie Carlsrud
Frank Lenzmeier
Terry Potter
Tom McDougall
Jerry Beck
LeRoy Johnson

Others Present: Larry Weil, Steven Zimmer, Lisa Sankey, Dustin Scott, Zerek Kroll, Jim Brownlee, Steve Iverson, Kris Peterson, Mike Thorstad

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the November 13, 2012 meeting minutes as printed. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier stated that Commissioner Potter would be abstaining from commenting and voting on Agenda items #3 & 4.

Chair Lenzmeier opened public hearing A12-60 Eaglewood 2nd Addition, Rezoning from Agricultural to R-1: One & Two Family Dwellings, R-2: Limited Multiple Dwellings & C: Light Commercial; and Land Use Plan Amendment from Office Park to General Commercial property in the N½ of the SE¼ of Section 19, T139N, R49W, City of West Fargo, North Dakota.

Steven stated that the application and what was published in the paper has changed slightly. The zoning request to C: Light Commercial has been changed to C-OP: Commercial Office Park; and therefore a land use plan amendment is not needed.

Steven reviewed the following information from the staff report:

The property, which is located south of I-94 and west of Sheyenne Street, is south of the proposed Timber Ridge development. The applicant proposes to develop the property with single family dwellings, medium density residential and commercial office. A land use plan was applied for, but is not required since the developer has retracted the request for C: Light Commercial and has asked for C-OP: Commercial Office Park.

The applicant submitted an Area Plan and Preliminary Plat which shows the proposed subdivision and future development of the property to the west. The Land Use Plan depicts the area developing with Low & Medium Density Residential except for the area along Sheyenne Street which is depicted as Office Park. The proposed land use as shown is consistent with the plan.

The property along Sheyenne Street is proposed to be zoned C-OP: Commercial Office Park. West of the office is proposed to be zoned R-2: Limited Multiple Dwellings and developed as medium density residential. Continuing west, the rest of the proposed development will be zone R-1: One & Two Family Dwellings developed as single family residential. To the south of the single family is a proposed park.

Street right-of-way is not shown for the subdivision. Local streets should be 62'. The Collector Street, 9th Street West, should show a total of 100' of right-of-way as it is proposed to accommodate a pedestrian/bikeway facility which will extend to the south to connect to an existing facility. 26th Avenue West, a collector street, connecting 9th Street West to Sheyenne Street is proposed to be 80' in width, half of which will need to be dedicated on this plat. Sheyenne Street is a Minor

Arterial Street which should show a minimum of 150' of total right-of-way. The street should be shown on the plat with a width of 75' from the street centerline.

Notices and maps were sent to area property owners, Park District, Post Office, City departments, SE Cass Water Resource District, and utility companies.

It is recommended to conditionally approve the Preliminary Plat on the basis that it is consistent with City plans and ordinances. The conditions of approval include the following:

1. An Attorney Title Opinion is received.
2. A drainage plan is received and approved by the City Engineer.
3. Final Plat with changes noted above and any necessary easements.
4. A revised area plan is received showing current and recommended changes for future phases.
5. A certificate is received showing taxes are current.
6. A park dedication agreement is received.
7. Restrictive covenants for the development are received for filing with the plat if proposed.
8. A subdivision improvement agreement is received.
9. The Developer is responsible for submitting a cluster box location plan to the Post Office for approval and assuming the costs for the boxes and installation costs.

There were no comments from the public. The hearing was closed.

Chair Lenzmeier asked for clarification on the layout of the roads in the commercial area. Applicant Steve Iverson referred to the preliminary plat/zoning map in the agenda packets. He indicated they are coordinating with the park to have a 4.25 acre parcel on the southwest side of the development, which will connect with the Regstad storm water ponds to the south and proposed storm water pond to the east. They're proposing cul-de-sacs off of Sheyenne Street for the commercial properties.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A12-61 Strawberry Fields 1st Addition and Rezoning from Agricultural to R-1: One and Two Family Dwellings, R-2: Limited Multiple Dwellings and C: Light Commercial; and Land Use Plan Amendment from General Commercial to Medium Density Residential parcel in the NW¹/₄ NE¹/₄ of Section 29, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is east of 4th Street East and south of 32nd Avenue East. The Developer proposes platting a portion of a larger tract and zoning the parcels R-1: One and Two Family Dwellings, R-2: Limited Multiple Dwellings & C: Light Commercial. The proposed limited multiple dwelling development is not consistent with the City's Land Use Plan which shows this land as future commercial use.

The developer has submitted an application, Area Plan and Preliminary Plat for a 12-acre residential development along 4th Street East for single family homes, apartments and commercial land uses. Last fall an application for a high density residential development was denied by the Planning & Zoning Commission and City Commission. The City Commission denied the application because they believe West Fargo cannot afford to lose any commercial land. In October, the Planning & Zoning Commission denied another application for a medium density residential development. The application was then withdrawn by the applicant.

The City's Land Use Plan depicts the area along 32nd Avenue East from 4th Street East to Veteran's Boulevard developing as General Commercial. Immediately west of 4th Street East the land use is depicted as Medium Density Residential. East of the proposed subdivision is a commercial office area which is being developed by The Village; east of that is an area also shown as future commercial; west across 4th Street East is Prairie Heights Community Church and properties zoned for multiple family. These uses are consistent with the City's Land Use Plan. Property to the north of the proposed subdivision was designated as General Commercial and was included in a Land Use Plan amendment in 2010 with the first phase of the

Preserve development to accommodate affordable single family units. Since that time the City has experienced significant interest in commercial development activity. As the remaining designated commercial land is limited and appropriately located in the Future Land Use Plan, the City Commission has not favored subsequent amendment requests which would diminish commercial land.

Low Density Residential is shown south of the proposed Lot 2, which makes the single family proposed consistent with city plans. The proposed application requires a Land Use Plan amendment to change the land use from General Commercial to Medium Density Residential for Lot 2.

A drainage plan is required for the subdivision. Storm water retention requirements for the subdivision area are included within the regional storm retention for Section 29.

Park dedication is required for the development. The required amount of park dedication is 10% of the gross area for residential development and 5% for commercial development.

All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. The Park District has recommended cash-in-lieu of land dedication.

It is recommended to deny the request for a Land Use Plan Amendment on the basis that the City's Land Use Plan designates the subdivision area as General Commercial.

It is recommended to conditionally approve the subdivision plat as it is consistent with the Subdivision Ordinance. The conditions of approval are as follows:

1. An Attorney Title Opinion is received.
2. A certificate is received showing taxes are current.
3. A drainage plan is received.
4. A signed Final Plat is received with all necessary easements.
5. A mail delivery plan is approved by the Post Office.
6. A landscape plan is received prior to building permits being issued.
7. A park dedication agreement is received.
8. A subdivision improvement agreement is received.

Applicant Steve Iverson stated that this is the 4th try in 18 months and they're hoping for a compromise. The City's Land Use Plan shows Light Commercial along 32nd Avenue, with no transition to the single family to the south. They feel it would be better to have medium density residential instead and asked that the commission overturn the Staff's recommendation to deny the Land Use Plan Amendment.

There were no other comments from the public. The hearing was closed.

Commissioner McDougall asked Larry to explain the reason for denial. Larry stated that the recommendation to deny is strictly for the Land Use Plan Amendment of Medium Density Residential, but to approve the plat the way it's laid out.

Commissioner McDougall asked what Oakridge 1st and 2nd are zoned. Larry stated C: Light Commercial. Commissioner McDougall asked what is planned for Oakridge 2nd Addition. Mr. Iverson stated that a 15,000 ft², 3-4 tenant structure is planned. Oakridge 3rd along Veteran's Boulevard was also reviewed at the last meeting for the Minn-Kota substation.

Chair Lenzmeier stated that he liked the idea of compromise. He asked what was proposed for the medium density property. Mr. Iverson stated rental townhouses, similar to the area to the northwest in Maple Ridge.

Chair Lenzmeier asked what the reasoning was for keeping it Light Commercial. Larry stated that there has been

considerable amount of discussion on this. The land use plan shows a finite amount of commercial available, primarily along the growth corridors. If removed, it is unlikely it would be replaced in other areas. Also, the City Commission has concerns regarding reducing the already limited amount of commercial property available.

Commissioner Kiewel asked how the R-1 zoning came about. Larry stated that there's an existing single family dwelling on the north side of the proposed cul-de-sac.

Discussion was held regarding 32nd Avenue access. Mr. Iverson stated that there are plans for Oakridge 1st to be subdivided.

Commissioner McDougall stated that he also liked the idea of compromise and a transition.

Commissioner Kiewel made a motion to approve the Land Use Plan Amendment, Subdivision and Rezoning based on the 8 conditions listed in the staff report. Commissioner McDougall seconded the motion. No opposition. Motion carried.

The following item has been withdrawn from the Agenda: Public Hearing A12-62 Eagle Run Plaza 5th Addition, a replat of Lot 2, Block 4 of Eagle Run 12th Addition; Lot 2, Block 1 of Eagle Run 21st Addition; Lot 1, Block 1 of Eagle Run Plaza 2nd Addition and Lot 2, Block 1 of Eagle Run Plaza 4th Addition, City of West Fargo, North Dakota; and rezoning from C: Light Commercial to R-2: Limited Multiple Dwellings & Land Use Plan Amendment from General Commercial to Medium Density Residential of Lot 2, Block 4 of Eagle Run 12th Addition, City of West Fargo, North Dakota.

The developer will resubmit an application for this area in January.

Chair Lenzmeier opened public hearing A12-63 Planned Unit Development Amendment for proposed restaurant on Lot 4, Block 1 of Charleswood 29th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the southwest corner of 9th Street East and 19th Avenue E. The applicant proposes to develop a restaurant and pub. The proposed use is consistent with City Plans and Ordinances.

The applicant submitted detailed development plans for a restaurant including site and elevation plans. Elevation plans show a ±6,250 ft² building with a four-season patio area. The site plan shows the building being placed 50' from the east property line along 9th St E. The area between the building and restaurant will be maintained as green space and an on-site retention pond. The building is also 88' from the north property line along 19th Ave E and 16.5' from the south property line. All setbacks exceed the CO requirements.

Parking for a restaurant is one space/4 patron seat plus one space/employee. The requirement for this building as proposed would be 75 spaces and the submitted plans show a total of 88 spaces, which exceeds our standard.

The PUD zoning and land use plan amendment has been approved previously at the December 3, 2012 City Commission meeting which makes this an approved use. This property is located within the CO: Corridor Overlay District which requires a higher standard of building construction and site design. The building addition must be constructed with no more than 30% of the wall facing material being metal or fiberglass. The plans submitted show that this building will meet all CO District requirements. The parking lot setbacks all meet CO requirements. A landscaping plan must be submitted showing any required planting and the trash area be screened.

Notices with maps were sent to City Departments and property owners within 150' and we have received 2 phone calls from the residential development on the east side of 9th St E concerned about alcohol being served and the additional traffic generated from this use. A couple letters were also received after the agenda packets went out from property owners to the west in the villas with concerns regarding the proposed hotel complex, increased traffic and the need for traffic signals.

It is recommended to approve the application on the basis that the application is consistent with City plans and ordinances with the following condition:

1. A landscape plan is submitted that meets all city requirements.

There were no comments from the public. The hearing was closed.

Commissioner Potter asked about the proposed stoplight. Assistant City Engineer Dustin Scott stated that this will most likely be on the next City Commission Agenda. The traffic signal is warranted with development, but won't meet warrants until development occurs. Discussion was held regarding development and timeframes for traffic signal installation.

Commissioner McDougall asked about the letter received and the 40' street. Steven stated that she misconstrued an article that discussed the City not taking control of a street if it doesn't meet City standards, and she believes the City shouldn't allow commercial development on a road that wasn't built to handle traffic. Dustin indicated the road width can handle the traffic. Steven stated that the letter doesn't change anything.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

The next item on the agenda was Continued - A12-57 Conditional Use Permit for hair salon at 1438 Elmwood Court (Lot 22, Block 2 of Sheyenne Park 3rd Addition), City of West Fargo, North Dakota.

Steven stated that this was continued from the last meeting to allow for the applicant to attend and explain her plans. The primary concern was with the 2 stations and potential of having two people working in the home, which would require additional parking spaces. The applicant has indicated that the two stations are only for her – one for cutting and the other for washing hair. As long as it's just her with scheduled appointments and meeting the off-street parking requirements, then staff recommends approval

Applicant Kris Peterson stated that she plans to operate an in-home salon by herself. Her daughter went to school for hair, but doesn't want to do hair. If she needs to add parking, she could provide additional parking. There were a lot of vehicles on her property earlier this year, but now only has one.

Steven asked Ms. Peterson if it was only going to be her and by appointment only. Ms. Peterson indicated that it would only be her. There could be overlap if an individual is waiting for an appointment; however, her clientele is limited.

Steven stated that she will have to come back to the Commission if she adds another person. It appears she meets the conditional use permit requirements.

Commissioner Beck made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

Under non-agenda, Larry indicated it's been 5 years since the last Comprehensive Plan review. Staff intends to have internal review and analysis of the plan and come up with possible alternative. Then would involve the Planning Commission, public and developers.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.